

Remarks

With reference to the provisional rejection of claim 1-4, under the judicially created doctrine of obviousness – type double patenting, as being unpatentable over claims –14 of copending Application S.N. 09/266,215, a timely filed disclaimer in compliance with 37 CFR 1.321(c) will be used to overcome the rejection when actually made.

Referring to the rejection of claim 2, under the statutory type (35 U.S.C. 101) double patenting, the conflicting claim, claim 2 of copending Application S.N. 09/266,215 has been cancelled thereby rendering the rejection moot.

Claim 4, a multiple dependant claim, has been amended so as to refer to other claims in the alternative thereby overcoming the Examiner's objection to claim 4 under 37 CFR 1.75(C).

Claims 1-3 have been rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Traub et al. (Chemotherapy, Vol. 39:322-330)(1993).

The Examiner's rejection of claims 1-3 as unpatentable over the Traub et al. reference is respectfully traversed. Applicant's claims are directed to a method of preventing the development of antibiotic drug resistance in bacteria which comprises administering taurolidine to warm-blooded animals infected with bacteria.

Applicant has found that taurolidine reduces the adherence of microorganisms to cells via a chemical modification of outer structure surfaces such as fimbriae causing agglutination or disappearance of the structures. Further, applicant has found that in addition to its success in treating multiple antibiotic resistant strains of bacterium, taurolidine prevents the development of antibiotic resistance in bacteria. Taurolidine unlike that of known antibiotics has a mechanism of action that is based on a chemical reaction which results in the denaturing of the complex poly saccharide and liposaccharide components of the bacterial cell wall as well as changing the double stranded DNA of the plasmid to a denatured or single stranded DNA. Transfer of plasmids between bacteria is prevented by the chemical action of taurolidine thus preventing the spread of resistance genes among bacteria.

There is no mention or suggestion of such activity of taurolidine within the Traub et al. reference.

Reconsideration and allowance of claims 1-4 is solicited.

Claim 3 has been further rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Traub et al. as applied above in view of Blenkarn et al. (Surgical Res. Commun., Vol. 2; 149-155 (1987)).

Blenkharn adds nothing to the rejection of claim 3 over Traub et al. Blenkharn et al. is directed to reducing endotoxin activity by co-administering taurolidine with broad spectrum antibiotics there is no mention or suggestion of the use of taurolidine in preventing the development of antibiotic resistance in bacteria nor of the prevention of the transfer of such resistance among bacteria.

Reconsideration and withdrawal of the rejection of claim 3 as unpatentable over Traub et al. in view of Blenkharn et al. is solicited.

Reconsideration and allowance of claims 1-4, all of the claims in this application, is requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kevin B. Clarke".

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